

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

GABRIEL JURADO,

Petitioner,

vs.

BRIAN WILLIAM, *et al.*,

Respondents.

2:13-cv-00086-GMN-VCF

ORDER

This action is a *pro se* petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254, by a Nevada state prisoner. The matter has not been properly commenced because petitioner submitted incomplete financial paperwork. Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, petitioner must attach to the *in forma pauperis* application both an inmate account statement for the past six months and a properly executed financial certificate. Petitioner has not submitted his inmate account statement and has not submitted a financial certificate. Without this information, the Court is unable to assess whether the current balance on the financial certificate is representative of petitioner's ability to pay. The Court is unable to see, *inter alia*, the regularity and amount of any incoming funds as well as the extent to which petitioner is making discretionary expenditures that instead could be applied to payment of the filing fee.

Due to the defects presented, the *in forma pauperis* application will be denied, and the present action will be dismissed without prejudice to the filing of a new petition in a new action with an *in forma pauperis* application with all required attachments. It does not appear from the papers presented that a dismissal without prejudice would result in a promptly-filed new petition being untimely. In this regard, petitioner at all times remains responsible for calculating the running of the federal limitation period as applied to his case, properly commencing a timely-filed federal habeas action, and properly exhausting his claims in the state courts.

1 **IT IS THEREFORE ORDERED** that the application to proceed *in forma pauperis* (ECF
2 No. 1) is **DENIED** and that this action shall be **DISMISSED WITHOUT PREJUDICE** to the
3 filing of a new petition in a new action with a properly completed *in forma pauperis* application with
4 all new – and complete – financial attachments.

5 **IT IS FURTHER ORDERED** that petitioner's motion for appointment of counsel (ECF No.
6 2) is **DENIED**.

7 **IT FURTHER IS ORDERED** that the Clerk of the Court **SHALL SEND** petitioner two
8 copies of an *in forma pauperis* application form for a prisoner, one copy of the instructions for the
9 same, two copies of a blank 28 U.S.C. § 2254 habeas petition form, one copy of instructions for the
10 same, and a copy of the petition (ECF No. 1-1) submitted in this action.

11 **IT IS FURTHER ORDERED** that the Clerk of the Court shall enter judgment accordingly.

12 Dated this 22nd day of January, 2013.

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16 Gloria M. Navarro
17 United States District Judge
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